IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 27987 of 2007(F)

PETITIONER:

THE MANANGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM,REPRESENTED BY
DEPUTY LAW OFFICER,SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENT:

SRI.M.RAJADEEN,
S/O.MUSTAFA RAWTHER,SHA NIVAS,PYNUMMOOTTIL,
ATHIKATTUKULANGARA P.O,
ALAPUZHA DISTRICT.

BY ADV. SRI.RASHEED C.NOORANAD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 27987 OF 2007 F

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE COMPLAINT NO.1243/2007 DATED 21.5.2007.

EXT.P2 TRUE COPY OF THE STATEMENT FILED ON BEHALF OF KSRTC DATED 7.8.2007.

EXT.P3 TRUE COPY OF THE ORDER OF THE KERALA LOK AYUKTA ON COMPLAINT NO.1243/2007 DATED 7.8.2007.

EXT.P4 TRUE COPY OF THE LETTER NO. LR8-023330/07 DATED 20.7.2007.

EXT.P5 TRUE COPY OF THE JUDGMENT IN W.A. NO.289/01 DATED 20.11.2002.

EXT.P6 TRUE COPY OF THE INTERIM ORDER IN CIVIL APPEAL NOS. 5401 - 5407 OF 2002 DATED 29.8.2002 OF THE HONOURABLE SUPREME COURT.

EXT.P7 TRUE COPY OF THE JUDGMENT IN WPC NO.19040/07 DATED 9.8.2007.

EXT.P8 TRUE COPY OF THE JUDGMENT IN W.A. NO.1642/2007 DATED 6.7.2007.

RESPONDENT'S EXHIBITS: NIL.

// TRUE COPY//

PA TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.27987 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Petitioner challenges Ext.P3. The issue at hand is covered in favour of the petitioner by virtue of the judgment in W.P.(C) 19040 of 2007. Accordingly Ext.P3 is liable to be quashed.

2. There will be a declaration in terms of prayer No.2. It is pointed that the marriage of the respondent's daughter necessitated early payment of money.

Accordingly while Ext.P3 is quashed, there will be a direction to the petitioner to pay to the respondent the amount due as DCRG or Commuted Value of Pension, whichever is higher within a period of one month from the date of receipt of a copy of this judgment. In regard to the claim for arrears of pay, I make it clear that it is open to the respondent to work out his remedies in the appropriate forum. If the amount due as Provident Fund and Staff Welfare Fund has not been paid, the same also will be paid to the respondent. Provident Fund will carry interest at the statutory rate from the due date till the date of payment.

sb (K.M. JOSEPH, JUDGE)